

1 Rene L. Valladares
2 Federal Public Defender
3 Nevada State Bar No. 11479
4 *Martin L. Novillo
5 Assistant Federal Public Defender
6 Virginia State Bar No. 76997
7 411 E. Bonneville Ave., Ste. 250
8 Las Vegas, Nevada 89101
9 (702) 388-6577
10 Martin_Novillo@fd.org
11
12 *Attorney for Petitioner Luis A. Urenda-Bustos
13
14
15
16
17
18
19
20
21
22
23
24
25
26

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Luis A. Urenda-Bustos,

Petitioner,

v.

Jerry Howell, *et al.*,

Respondents.

Case No. 2:18-cv-01073-JCM-DJA

**Unopposed Motion for an
Extension of Time in which to file
Opposition to Motion to Dismiss
(ECF No. 60)**

(First Request)

Petitioner Luis A. Urenda-Bustos moves for an extension of time of fourteen (14) days, up to and including January 24, 2022, to file his Opposition to Respondents' Motion to Dismiss. Respondents do not oppose this request.

1 **POINTS AND AUTHORITIES**

2 1. On July 16, 2021, Mr. Urenda-Bustos filed his Fourth Amended Petition
3 in this case.¹ The filing followed Mr. Urenda-Bustos staying his case and returning
4 to state court to exhaust claims.² On December 27, 2021, Respondents filed a Motion
5 to Dismiss.³ For the reasons detailed below, Mr. Urenda-Bustos seeks a fourteen (14)
6 day extension, or until January 24, 2022, to file his opposition to Respondents' motion.

7 2. Undersigned counsel's duties and responsibilities in other matters, as
8 detailed below, prevented him from meeting the current deadline. Undersigned
9 counsel has a busy caseload involving both non-capital and capital habeas matters
10 currently pending in Nevada and out-of-state district courts for which he is carrying
11 on various investigations and research and writing assignments.

12 3. Specifically, counsel had to draft a reply to a motion to dismiss due on
13 January 10, 2022 in the non-capital habeas matter *Smith v. Howell et al.*, 20-cv-
14 01108-JAD (D. Nev.). In addition, counsel had to review various pleadings due on
15 January 10, 2022 in the capital habeas case *Biela v. Gittere et al.*, 20-cv-00026-GMN
16 (D. Nev.). Counsel likewise had to research and draft a complex pleading in the out-
17 of-district federal capital case *United States v. Schlesinger*, 18-cr-02719-RCC-BGM
18 (D. Ariz.), due on December 29, 2021. Finally, counsel was sick with flu-like
19 symptoms during the first week of January 2022, which prevented him from
20 undertaking many of his duties.

21 4. This requested extension will permit counsel time to thoroughly and
22 adequately respond to the arguments raised by the Respondents in their motion. This
23
24

25 ¹ ECF No. 19.

26 ² See ECF Nos. 44-49.

³ ECF No. 60.

1 is Urenda-Bustos' first request for an extension and is not made for the purposes of
2 delay, but rather in the interests of justice.

3 5. Finally, the present request for an extension is unopposed. On January
4 10, 2022, counsel for Petitioner contacted Deputy Attorney Erica Berrett via email
5 concerning this request for an extension of time. Ms. Berrett has no objection to the
6 request.

7 WHEREFORE, counsel respectfully requests that this Court grant the request
8 for an extension of time to file an opposition to Respondents' motion to dismiss to
9 January 24, 2022.

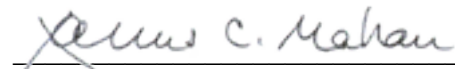
10 Dated this 10th day of January, 2022.

12 Respectfully submitted,

13 Rene L. Valladares
14 Federal Public Defender

15 /s/Martin L. Novillo
16 Martin L. Novillo
17 Assistant Federal Public Defender

18
19 IT IS SO ORDERED:

20
21 
22 United States District Judge

23 Dated: January 10, 2022
24
25
26